

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JOHN SIMS,

Civil No. 10-3914 JNE/AJB

Petitioner,

v.

O R D E R

STATE OF MINNESOTA,

Respondent.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Arthur J. Boylan dated September 20, 2010, all the files and records, and no objections having been filed to said Recommendation,

IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus, (Docket No. 1), is **DENIED**;
2. Petitioner's application for leave to proceed in forma pauperis, (Docket No. 2), is **DENIED**;
3. This action is **DISMISSED WITH PREJUDICE**; and
4. Petitioner is **NOT** granted a Certificate of Appealability.

DATED: Nov. 18, 2010.

s/ Joan N. Ericksen
Judge Joan N. Ericksen
U. S. District Court